

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-698
Appellant(s): Maria Tavares

vs.

Appellee(s): City of Fall River
James Aquiar

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 6th Edition 780 CMR 3404.12 for 276 Hope Street, Fall River, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on February 5, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant was represented by her daughter, Natalie Araujo, who testified for the hearing.

Discussion

A motion was made to deny the Appellant's request for a variance from the 6th Edition of 780 CMR 3404.12 based on the exhibits and testimony that was presented. The motion further upholds the building officials mandate that an existing building analysis is performed by an architect or engineer and submitted to the City for their review and approval in accordance with the 6th Edition of 780 CMR 3402. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

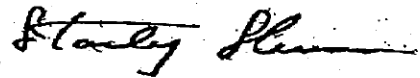
The Appellant's request for a variance from the 7th Edition 780 CMR 3404.12 is hereby denied as described in the discussion above and so ordered² on this date: February 5, 2009.



Douglas Semple



Jacob Nunnemacher



Stanley Shuman

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.